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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,183

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7306

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02/28/2006

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EXAMINER

GREENHUT, CHARLES N

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,183

Applicant(s)

KAUPPILA ET AL.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

I. Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. With respect to claim 11, it is not clear what “thereof” refers to in line 17.

II. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1, 2, 4-7, 9-13, and 16-19 is/are rejected under 35 U.S.C. 102(b) as being anticipated by GUNNARSSON (US 6,216,846).

1.1. With respect to claim 1, GUNNARSSON discloses spaced apart lugs having an overhung edge (4) attached along conveyor loops (1), a speed up belt (11), a series of flipper arms (16a-c) pivotally mounted to a conveyor (15) adjacent a respective lug (Fig. 1), a stationary cam ramp (23) causing the flipper arms to pivot into engagement position, the speed-up belt driving the article past the overhung edge to cause tipping. Since the flipper arms in GUNNARSSON are disposed to move synchronously with

the conveyer to engage the articles carried by the conveyer, it is inherent that they are mounted to the conveyer.

- 1.2. With respect to claim 2, GUNNARSSON additionally discloses lugs having a trailing upper edge located on the rear of a bottom part of a lug, a speed up belt driving the article to engage the trailing edge, the article driven past the trailing edge to cause tipping.
- 1.3. With respect to claim 4, GUNNARSSON additionally discloses two conveyor loops.
- 1.4. With respect to claim 5, GUNNARSSON additionally discloses two speed-up belts.
- 1.5. With respect to claim 6, GUNNARSSON additionally discloses the flipper arm having a first and second segment extending at an angle to each other, a free end of one downwardly extending segment pivotally mounted on a conveyor loop chain link pin.
- 1.6. With respect to claim 7, GUNNARSSON additionally discloses a knee engaging a cam to pivot the flipper arm (Col. 4).
- 1.7. With respect to claim 9, GUNNARSSON additionally discloses the cam ramp adjustably mounted.
- 1.8. With respect to claim 10, GUNNARSSON additionally discloses let-down elements pivotally mounted on the conveyor loop located adjacent a flipper arm (second leg of 16c), a second cam (22) for lowering the let-down element and a turnover element engaging the rear of an article on edge.
- 1.9. With respect to claim 11, GUNNARSSON discloses lugs projecting above the conveyer, each article between the lugs, pivotally mounting a flipper are below each

lug, driving each article into abutment with a next ahead lug, and a cam ramp to cause upward movement of the flipper.

- 1.10. With respect to claim 12, GUNNARSSON additionally discloses a trailing upper edge on each lug spaced above the article, raising the article to an edge position with the flipper and advancing the on-edge article against the lug trailing edge by the speed-up belt to tip the article.
- 1.11. With respect to claim 13, GUNNARSSON additionally discloses two conveyor loops having lugs, and a pair of drive belts interposed between the conveyor loops.
- 1.12. With respect to claim 16, GUNNARSSON discloses lugs mounted to the chain loop, flipper elements pivotally mounted to the chain loop, and a cam surface.
- 1.13. With respect to claim 17, GUNNARSSON additionally discloses a speed up drive.
- 1.14. With respect to claim 18, GUNNARSSON additionally discloses lugs having a trailing overhung edge and the speed-up drive driving the bottom of the article into engagement with the overhung edge to cause tipping.
- 1.15. With respect to claim 19, GUNNARSSON additionally discloses a let down element pivotally mounted on the conveyor adjacent a flipper, a cam segment pivoting the let down element to engage the article, and a cam segment engaging the article to allow a controlled descent.

III. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over GUNNARSSON (US 6,216,846) in view of MOORE (US 5,482,140).

- 1.1. With respect to claim 3, GUNNARSSON fails to teach a rear facing curved shape creating a trailing edge to guide raising the article. MOORE teaches a rear facing curved shape creating a trailing edge to guide raising the article. It would have been obvious to one of ordinary skill in the art to modify GUNNARSSON with the curved surface of MOORE in order to enable the lug to better follow the path of the board as it rotates.

2. Claim(s) 8 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over GUNNARSSON in view of KUMAGAMI (US 4,822,967).

- 2.1. With respect to claim 8, GUNNARSSON fails to teach an arcuate guide slot formed in the flipper and a guide pin extending from the chain link into the guide slot. KUMAGAMI teaches an arcuate guide slot formed in the flipper and a guide pin extending from the chain link into the guide slot. It would have been obvious to one of ordinary skill in the art to modify GUNNARSSON with the pin and guide slot of KUMAGAMI in order to synchronize the conveyor conveying the articles with the flippers.

3. Claim(s) 14-15 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over GUNNARSSON in view of RAYBON (US 5,605,216).

- 3.1. With respect to claim 14, GUNNARSSON additionally teaches engaging an upper rear portion of each article as it is tipping. GUNNARSSON fails to teach controllably

restraining lowering the article to slow the rate of dropping motion. RAYBON teaches controllably restraining lowering the article to slow the rate of dropping motion. It would have been obvious to one of ordinary skill in the art to modify GUNNARSSON with the restraining mechanism of RAYBON in order to prevent damage to the article.

- 3.2. With respect to claim 15, GUNNARSSON additionally teaches the let down element pivotally mounted to the conveyor loop and located adjacent a flipper arm. GUNNARSSON fails to teach the second cam ramp used to control descent of the article. RAYBON teaches a cam ramp used to control descent of the article. It would have been obvious to one of ordinary skill in the art to modify GUNNARSSON with the cam ramp of RAYBON in order to control descent of the article, thereby preventing damage to the article.

IV. Response to Applicant's Arguments

Applicant's arguments entered 1/6/06 have been fully considered but are not persuasive.

1. Applicant argues with respect to claims 1-19 that the lifting devices in GUNNARSSON are not pivoted up by a stationary cam ramp. GUNNARSSON, however, shows the lifting devices (16) pivoted up by a stationary cam ramp (23) (Col. 4 Li. 35-46). Applicant further argues that there are disadvantages of the GUNNARSON design as compared to his own. In order to overcome rejections based on prior art, however, applicant must point out the specific language of his claims which patentably distinguishes over the prior art. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

V. Conclusion

1. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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(toll-free).

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